



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: May 20, 2013.

A handwritten signature in black ink, appearing to read "H. Mott".

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

BILL R BORDERS, JR. and
NANCY GENE BORDERS,
DEBTORS

§
§
§
§
§

CASE NO. 13-30174-HCM

CHAPTER 13

**AGREED ORDER REGARDING
OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

On this day came on before the Court the Objection to Confirmation of Debtors' Chapter 13 Plan filed by BANK OF AMERICA, N.A. ("Bank of America") on March 26, 2013. The parties announced that an agreement had been reached. This Court, after review of the pleadings and said agreement, finds that the agreement should be approved. Therefore, it is

ORDERED that Bank of America's Proof of Claim in the total claim amount of \$179,136.45 shall serve as a notice claim. The pre-petition arrearage claim of \$39,532.11 shall be paid in full through the Debtors' Chapter 13 Plan.

ORDERED the post-petition arrearages in the amount of \$3,967.44 related to monthly mortgage payments for March 2013, April 2013 and May 2013 shall constitute an additional arrearage claim filed by Bank of America in the bankruptcy proceeding and is hereby allowed by the Court.

ORDERED that Debtors plan payment shall be \$300.00 per month commencing with the June 1, 2013 plan payment.

ORDERED that Debtors shall make a balloon payment in month 24 of the Debtors' Chapter 13 Plan to pay the then remaining pre-petition arrears owed to Bank of America in full. This will provide Bank of America adequate protection while allowing the Debtors time to apply for a loan modification.

ORDERED that if Debtors are successful in obtaining a loan modification prior to month 24 of the Debtors' Chapter 13 Plan, Debtors shall file a modified plan prior to month 24 reducing the pre-petition arrears owed to Bank of America by the amount disbursed by the Trustee as of the date of the modification.

ORDERED that if Debtors are not successful at obtaining a loan modification and/or are unable to make the balloon payment in month 24 of the Debtors' Chapter 13 Plan, the Automatic Stay shall terminate in month 25 as to Bank of America without further recourse to the Court and Bank of America shall be allowed to take any steps necessary to exercise any and all rights it may have in the collateral described as follows:

LOT 22, BLOCK 35, SCOTSDALE UNIT THREE, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF ON FILE IN VOLUME 9, PAGE 64, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS.

ORDERED that Debtors shall remit to Bank of America the regular post-petition monthly payments beginning June 1, 2013 and continue said payments thereafter pursuant to that certain Note, Deed of Trust and any subsequent Notice of Mortgage Payment Change filed with the Court in accordance with the Federal Rules of Bankruptcy Procedure 3002.1(a).

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AGREED AS TO
FORM AND SUBSTANCE:

**BARRETT DAFFIN FRAPPIER
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By: /s/ Michelle McNew

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EL PASO CHAPTER 13 TRUSTEE